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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,202	08/17/2001	Boris S. Elman	00-8024	4924

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 11/20/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,202

Applicant(s)

ELMAN ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Whitfield, U.S. Patent No. 5,995,824 (hereinafter Whitfield).

Regarding claim 1, Whitfield discloses an apparatus, receiving and recording two-way conversation data between at least two remote locations (see abstract), comprising a wireless communication device (200) and a memory coupled (210) to the wireless communication device for storing the conversation in digital form.

Regarding claim 3, see Figure 2.

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Regarding claim 7, see column 3.

3. Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Onshage et al, U.S. Patent Application Publication No. 2002/0006188 (hereinafter Onshage).

Regarding claim 1, Onshage discloses an apparatus for transmitting, receiving and recording two-way conversation data between at least two remote locations (see abstract), comprising a wireless communication device (22, Figure 2) and a memory (21) coupled to the wireless communication device for storing the conversation data in digital form.

Regarding claim 2, see paragraph 0033.

4. Claims 1-14, 16, 17, 21-23 and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sun et al, U.S. Patent Application Publication No. 2002/0160751 (hereinafter Sun).

Regarding claim 1, Sun discloses an apparatus for transmitting and recording two-way conversation data between at least two remote locations (paragraphs 0031 and 0032) comprising a wireless communication device (202, Figure 2) and a memory (242, Figure 2) coupled to the wireless communication device for storing the conversation data in digital form.

Regarding claim 2, see paragraphs 0029 and 0030.

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Regarding claim 3, see Figure 3.

Regarding claim 4, see paragraph 0028.

Regarding claim 5, see paragraph 0028.

Regarding claim 6, see paragraph 0028.

Regarding claim 7, see Figures 5A-J.

Regarding claim 8, Sun discloses a system (see Figure 1) for managing conversation data occurring between at least two remote locations over a network comprising a wireless communication device (see Figure 2); a memory (242, Figure 2) coupled to the wireless communication device for storing the conversation data in digital format; a storage location outside the memory (120 and 106 from Figure 1); an interface between the memory and the storage location for transferring the conversation data from the memory to the storage location (paragraph 0028) and a user interface that allows a user to access the conversation data in the storage location (see Figure 6).

Regarding claim 9, see Figure 2.

Regarding claim 10, see 316 from Figure 3.

Regarding claim 11, see paragraph 0028.

Regarding claim 12, see paragraph 0028.

Regarding claim 13, see paragraph 0028.

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Regarding claim 14, see Figures 5A through 5J.

Regarding claim 16, see Figure 1 and paragraph 0044.

Regarding claim 17, see Figures 5A through 5J.

Regarding claim 21, see Figure 6.

Regarding claim 22, Sun discloses a system for managing conversations between a first communication device located at a first location and a second communication device located at a second location remote from said first location, said conversations occurring over a network having at least one storage location, wherein at least one wireless communication device can be connected to said network (see Figure 1), comprising a data interface (see paragraph 0028) between said at least one wireless communication device and said at least one storage location for transferring data derived from said conversations from said at least one storage location to said at least one wireless communication device and a user interface (see Figures 5A-J and Figure 6), including at least one user-controllable data management function that allows a user to access said data in said at least one storage location.

Regarding claim 23, see Figures 1 and 6.

Regarding claim 30, see Figure 6.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15, 18-20 and 24-29 is rejected under 35 U.S.C § 103(a) as being unpatentable over Sun in view Reichmann, PCT No. WO 98/39901 (hereinafter Reichmann).

Regarding claim 15, Sun discloses the data management functions are selected from the group consisting of linking, playback, searching, sending, archiving, editing and deleting (see Figures 5A-J). Sun does not disclose the group includes translating. "Official Notice" is taken that this function is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with a translating function. This modification would allow conversations to be transcribed as suggested by Reichmann.

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Regarding claim 18, Sun discloses the conversation data is audio data. Sun does not disclose the converting function is conducted by an audio-to-text converter that converts the audio data to text data. "Official Notice" is taken that this function is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with an audio-to-text converter. This modification would allow conversations to be transcribed as suggested by Reichmann.

Regarding claim 19, Sun does not disclose a translating function conducted by a text translation service that converts at least a portion of the text data from a first language to a second language. "Official Notice" is taken that this function is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with a text translation service. This modification would allow conversations to be transcribed as suggested by Reichmann.

Claim 20 is rejected for the same reasons as claim 19.

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Regarding claim 24, Sun does not disclose the computer system is divided into multiple user storage locations such that one of said user storage locations corresponds with an individual user. However Reichmann discloses this limitation (see Figure 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with the computer system taught by Reichmann. This modification allows for a computer system accessible via the web as suggested by Reichmann.

Regarding claim 25, Sun does not disclose the user interface includes at least one of a playback function where said data is played back and an editing function where said user can edit said data. However Reichmann discloses this limitation (see Figure 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with the user interface taught by Reichmann. This modification would allow for special software to enable playback and manipulation as suggested by Reichmann (page 5).

Regarding claim 26, Sun does not disclose at least one user-controllable data management function is selected from the group consisting of searching, linking, editing, playback,

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converting, sending, archiving deleting and translating said data. However Reichmann discloses this limitation (see Figure 4 and page 5). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sun with the data management function taught by Reichmann. This modification would allow for special software to enable playback and manipulation as suggested by Reichmann (page 5).

Regarding claim 27, see abstract of Reichmann.

Regarding claim 28, Sun combined with Reichmann does not disclose the translating function is conducted by a text translation service that converts at least a portion of said text from a first language to a second language. "Official Notice" is taken that this function is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Sun combined with Reichmann with a text translation service. This modification would allow conversations to be transcribed as suggested by Reichmann.

Regarding claim 29, Sun combined with Reichmann teaches the data is audio data. The combination does not disclose the

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translating function is conducted by an audio translation service that translates at least a portion of said audio data from a first language to a second language. "Official Notice" is taken that this function is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Sun combined with Reichmann with a text translation service. This modification would allow conversations to be transcribed as suggested by Reichmann.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah

Patent Examiner

November 14, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.